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Tenorio_Mot_Joint Rep.wpd

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FILED
DISTRICT COURT OF GUAM

SEP 24 2007

JEANNE G. QUINATA
Clerk of Court

Attorneys for United States of America

IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
vs.)
)
JUAN C. TENORIO and)
CHARLENE F. TENORIO,)
)
Defendants.)

CRIMINAL CASE NO. 07-00078

UNITED STATES MOTION FOR
FED. R. CRIM. P. 44(c) INQUIRY
ABOUT THE PROPRIETY OF
JOINT REPRESENTATION

COMES NOW THE United State of America, by and through undersigned counsel, and request that this Honorable Court inquire into the joint representation of JUAN C. and CHARLENE F. TENORIO by Howard Trapp.

Rule 44(c), Federal Rules of Criminal Procedure, provides:

“(c) Inquiry into Joint Representation.

(1) Joint Representation. Join representation occurs when:

(A) two or more defendants have been charged jointly under Rule 8(b) or have been joined for trial under Rule 13; and

(B) the defendants are represented by the same counsel, or counsel who are associated in law practice.

(2) Court’s Responsibilities in Cases of Joint Representation. The court must promptly inquire about the propriety of joint representation and must personally advise each

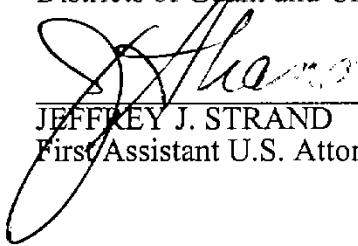
1 defendant of the right to the effective assistance of counsel, including separate
2 representation. Unless there is good cause to believe that no conflict of interest is likely
3 to arise, the court must take appropriate measures to protect each defendant's right to
4 counsel."

5 The government requests that the Court conduct such inquiry in order to protect the
6 interest of the defendants in this case, where they are jointly charged and represented by the same
7 counsel.

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RESPECTFULLY SUBMITTED this 29th day of September, 2007.

LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and CNMI

By:


JEFFREY J. STRAND
First Assistant U.S. Attorney